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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Master Docket No.: 11-CV-2509-LHK

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CLASS ACTION

**DECLARATION OF RONALD A.
BERTINO, FOR HEFFLER CLAIMS
GROUP, APPOINTED CLAIMS
ADMINISTRATOR**

1 I, RONALD A. BERTINO, hereby declare:

2 1. I am a CPA and a Partner at the Heffler Claims Group ("Heffler"), the claims
3 administrator in the above-entitled action. Our main office address is 1515 Market Street, Suite
4 1700, Philadelphia, Pennsylvania 19102. My telephone number is (215) 972-5045. I am over
5 twenty-one years of age and authorized to make this declaration on behalf of Heffler and myself.
6 The following statements are based on my personal knowledge and information provided by other
7 Heffler employees working under my supervision, and if called upon to do so, I could and would
8 testify competently about these issues.
9

10 2. Heffler Claims Group has extensive experience in class action matters, having
11 provided services in class action settlements involving antitrust, securities, employment and labor,
12 consumer and government enforcement matters. Heffler has provided notification and/or claims
13 administration services in more than 900 cases.
14

15 3. Heffler was appointed by the Court to provide notification and other services in
16 connection with the Settlements and litigation in the above-captioned matter (the "Settlements").
17 The services provided or to be provided by Heffler included or will include: a) preparing, printing
18 and mailing of the Class Notice and Claim Form; b) receiving and processing undeliverable
19 Notices; c) tracking and processing of requests for exclusion, objections and Class Member
20 disputes; d) responding to inquiries from Class Members; e) processing Claim Forms received; f)
21 calculating Settlement Payments; g) distributing funds to valid Class Members and tax reporting
22 after final approval; and for such other tasks as the parties mutually agree or the Court orders
23 Heffler to perform.
24

25 **A. MAILING OF THE NOTICE AND PROOF OF CLAIM**
26

27 4. In accordance with the Order Granting Plaintiffs' Motion for Conditional Class
28 Certification and Preliminary Approval of Partial Class Action Settlements with Defendants Intuit

1 Inc., Lucasfilms, Ltd., and Pixar, Approving Form and Manner of Notice, and Scheduling Final
2 Approval Hearing, Heffler disseminated the “Notice of Pendency of Class Action, Proposed
3 Partial Settlements of Class Action, Fairness Hearing, and Right to Appear” and the “Claim Form”
4 (together, the “Notice”) to potential Class Members. A copy of the Notice is attached as Exhibit
5 A.

6
7 5. On November 25, 2013, Heffler received the class data from each of the Settling
8 and Non-Settling Defendants by way of a secure transmission method designated by each
9 Defendant. Once decrypted and opened, each Defendant’s file contained the names and addresses,
10 relevant employment period dates, eligible job-titles, base salary amounts and Social Security
11 Numbers of the potential Class Members. The number of names provided to Heffler exceeded the
12 64,613 Class members because some Class members worked for more than one Defendant (and
13 thus created duplicates) and one Defendant erroneously provided information on non-United
14 States workers, which was subsequently corrected.

15
16 6. Heffler electronically sent the names and addresses described above to a licensee of
17 the United States Postal Service (“USPS”) to request updated mailing addresses based on the
18 USPS’s National Change of Address database. Each record for which we received an updated
19 address had the new address incorporated into our database, which was used in the mailing
20 described below.

21
22 7. On January 22, 2014, Heffler caused the printing and mailing of personalized
23 Notices – with claim ID number, name and address – to each of the potential Class Members with
24 domestic addresses via First-Class mail.

25
26 8. The Notice mailed on January 22, 2014 advised Class Members that the deadline to
27 request exclusion, file an objection or submit a Claim Form was March 19, 2014.

28 9. Through March 26, 2014, Heffler has received a total of 3,847 Notices returned by

1 the USPS as undeliverable. Of these, a total of 110 were returned by the USPS with forwarding
2 addresses noted. These addresses were updated in our database and Notices were promptly re-
3 mailed to those Class Members via first-class U.S. Mail.

4 10. The remaining total of 3,737 were returned by the USPS as undeliverable without a
5 forwarding address. A total of 389 of these were identified as either with an incomplete address or
6 with a foreign address and could not be skip-traced. Heffler performed a skip-trace on 3,007 of the
7 returned Notices with no forwarding address by using Lexis/Nexis. The results of the skip-tracing
8 provided 2,761 updated addresses and Notice packets were re-mailed. A total of 246 re-mailed
9 records were returned a second time as undeliverable.

11 11. Heffler was also responsible for establishing a dedicated website,
12 *www.HighTechEmployeeLawsuit.com*, to provide information to Class Members and others about
13 the proposed Settlements and ongoing litigation. The website contains for viewing, printing
14 and/or downloading the full mailed Notice, the Stipulations of Settlement, the Preliminary
15 Approval Order and other important documents as requested by Counsel. These documents,
16 including the Notice and Claim form, were available for viewing and download on January 22,
17 2014. The website also lists the exclusion, objection and claim filing deadlines, as well as the date
18 and time of the Fairness Hearing. Class Members and others also have the ability to contact
19 Heffler with questions through the website's "Contact Us" link. A copy of the Homepage of this
20 website is annexed hereto as Exhibit B.

23 12. The above-mentioned website also includes online claims filing. Class Members
24 log-in using the Claim ID Number (provided to them in their pre-populated, personalized Notice)
25 and the last four digits of their Social Security Number to view the employment data supplied by
26 Defendants that is unique to them. This module also allows the Class Member to view the eligible
27 job-titles for the Defendant(s) that identified them as a Class Member. If the Class Member
28

1 agreed with the information provided, they could simply just submit their claim. If the Class
2 Member did not agree with the information provided by Defendants, they were able to upload
3 documents contesting the information and provide comments describing the dispute. Class
4 Members were also able to update their mailing addresses when filing a Claim online.

5 13. On January 9, 2014, Heffler established a toll-free telephone number of (855) 731-
6 7499, through which potential Class Members can obtain information about the Settlements and
7 ongoing litigation. The toll-free number was set-up as an Interactive Voice Response (“IVR”)
8 system with an option to speak with a live agent during regular business hours.

9 14. On March 10, 2014, the Court approved the mailing of reminder Notices to Class
10 Members. Heffler caused the printing and mailing of reminder Notices to be mailed on March 13,
11 2014. This reminder Notice advised Class Members that the deadlines to request exclusion, file an
12 objection or to submit a Claim had been extended from March 19, 2014 to March 26, 2014.

13 15. The reminder Notice was sent to Class members, including Class members who
14 had previously submitted opt-out requests. In order to avoid confusion on the part of Class
15 members regarding whether Heffler received their opt-out requests, on March 25, 2014, Heffler
16 mailed letters with language approved by the parties to all Class members who had submitted opt-
17 out requests, informing them that Heffler had received their requests and that they need not do
18 anything further.

19 16. As part of the duties of the Claims Administrator, Heffler was to establish an email
20 address, *info@hightechemployeelawsuit.com*, to receive opt-out requests and other Class Member
21 inquiries. This email address was listed in the Notice mailed to Class Members on January 22,
22 2014. Due to an error in the set-up of this email address, it was not functional until February 12,
23 2014. Heffler was unable to track and/or provide the number of emails that Class Members
24 attempted to send to this email address and were ultimately “bounced-back” as a result of the error

1 in set-up. However, Heffler reviewed its call logs and did not identify any complaints from Class
2 Members who had attempted unsuccessfully to opt out by email.

3 I declare under the penalty of perjury, under the laws of the State of California, that the
4 foregoing is true and correct and that this declaration was executed on March 28, 2014, at
5 Philadelphia, Pennsylvania.

6
7 
8 Ronald A. Bertino